



EXPEDITED PROCEDURE ~~Corres and Mail~~
RESPONSE AFTER FINAL
UNDER 37 C.F.R. §1.116
ART UNIT: 1635

BOX AF

Attorney Docket No: C1039.70048US00

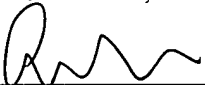
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No: 09/818,918
Confirmation No.: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Examiner: Jane Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17th day of May, 2004.


Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:


- [X] Notice of Appeal
- [X] Interview Summary
- [X] Petition for Extension of Time
- [X] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$750.00 is enclosed in payment of the Appeal fee and the extension fee. If the enclosed fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., Applicant

By:


Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617)720-3500

Docket No. C1039.70048US00
Date: May 17, 2004
x05/17/04x



Attorney Docket No. C1039.70048US00

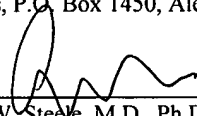
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 09/818,918
Confirmation No.: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Examiner: Jane J. Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17th day of May, 2004.



Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

Please enter the following interview summary by the Applicant.

Applicants' representative wishes to thank the Examiner for the courtesy of two telephone interviews conducted on April 2, 2004, and April 7, 2004. At least the first of these interviews was made at the request of the Applicants' representative. Participants in each interview were the Applicants' representative and the Examiner. Both interviews concerned the outstanding final rejection of all claims under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement. We discussed the sufficiency of the art already made of record (specification, declaration by inventor Joel Kline, references by Hussain et al. and Magone et al.) regarding the efficacy of various CpG oligonucleotides administered in various doses by various routes of administration to treat a variety of atopic conditions, as it relates to enablement of the claims. Although the Examiner seemed impressed by the arguments advanced, agreement with respect to the claims was not clearly reached during the interviews. A subsequent Interview Summary prepared by the Examiner and faxed to the Applicants' representative on April 29, 2004, indicated that the outstanding enablement rejection was maintained.

A Notice of Appeal is filed herewith.

Respectfully submitted,
Krieg et al., *Applicant*

By: 

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. C1039.70048US00
Date: May 17, 2004
X05/17/04X